

## REMARKS

### I. Introduction

In response to the Office Action dated May 15, 2006, claims 1, 3, 8, 9, 11-13, and 15 have been amended. Claims 1-15 remain in the application. Re-examination and re-consideration of the application, as amended, are respectfully requested.

### II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

### III. Interview Summary

On August 1, 2006, Applicants Brenner and Hujanen, Examiner Le, and the undersigned attorney participated in a telephone interview. The Applicants and their attorney thank the Examiner for the personal and professional courtesies extended during the interview.

Claims 1, 3, 8, and 15 were discussed. Agreement was reached with regard to clarification of some of the claim terms used in the claims to more specifically claim the present invention.

### IV. Prior Art Rejections

In the Office Action, claims 1-15 were rejected under 35 U.S.C. §102(e) as being anticipated by Hose, U.S. Patent 7,024,205 (Hose). Applicants respectfully traverse the rejections in light of the amendments above and the arguments presented herein.

#### The Hose Reference

Hose merely describes a method and apparatus are disclosed for providing subscriber delivered and personalized location-based services. In one embodiment, the invention is implemented in an intelligent wireless network (100). A subscriber initiates the location-based service process by entering a service request using a wireless telephone (102). The request is transmitted to an intelligent network platform (112) via cell site equipment (108) and MSC (110). An

application implementing the process that runs on the platform (112) receives subscriber profile information (114), location finding equipment inputs (116) and service information (118) related to the service request. Based on these inputs, the application selects location-based service data that is transmitted to the telephone (102) via a data server (120), the MSC (110) and the cell site equipment.

The Claims are Patentable over the Cited Reference

Independent claims 1, 8, and 15 are generally directed to a contextual location-based service apparatus, system, and method. An apparatus in accordance with the present invention comprises a computer-based infrastructure, comprising at least one database for storing information on at least one location, a context manager, coupled to the database, for indexing and sorting the information stored in the database, a contribution engine, coupled to the database, for entering, storing, managing, and retrieving additional information in the database, a locator, coupled to the contribution engine and the database, for converting a plurality of references to a specific location to a common location designation, a location browser, coupled to the database, for retrieving and reviewing information in the database; and at least one client, which communicates with the infrastructure, for at least entering and editing location-based information in the database.

The cited reference does not teach nor suggest at least one of these various elements of Applicants' independent claims. Specifically, the cited reference does not teach nor suggest at least the limitation of at least one client, communicating with the infrastructure, for at least entering and editing location-based information in the database as recited in the claims of the present invention.

The database in Hose uses data that is determined by the service provider to profile subscribers to personalize the location-based services. See Hose, Col. 5, lines 10-15. This information, along with all of the location-based information in the Hose database, is entered by a carrier or other location-based service administrator, not by a subscriber. See Hose, Col. 5, lines 25-32.

The present invention allows individual users, e.g., subscribers, clients, etc., to enter their own location-based data into the database. This expands the available data above that available through service providers and administrators, making the location-based services more complete. See application as filed, at least at page 11, lines 16-23, and page 12, line 12-page 14, line 10.

As such, the present invention allows for clients to enter location-based information to the database that are accessible by at least one other client, which is not taught nor suggested by the Hose reference. As at least this limitation is present in each of the independent claims, namely, claims 1, 8, and 15, these claims are patentable over the cited reference.

Thus, Applicants submit that independent claims 1, 8 and 15 are allowable over Hose. Further, dependent claims 2-7 and 9-14 are submitted to be allowable over Hose in the same manner, because they are dependent on independent claims 1, 8 and 15, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-7 and 9-14 recite additional novel elements not shown by Hose. For example, and not by way of limitation, claims 3 and 11 were rejected on Col. 6, lines 13-29. Col. 6, lines 13-29 describe a "rating" associated with a certain piece of data in the database, i.e., a 4 star rating for a hotel. However, the rating is not generated by the database; there is no rating engine nor method for entering a rating in the database by at least one user of the database; the "rating" described in Hose is merely a piece of data associated with a database entry. As such, Hose does not teach nor suggest the subject matter of at least claims 3 and 11, as well as the remaining dependent claims in the present application.

Applicants' silence with respect to additional available arguments for the independent and dependent claims does not constitute a waiver or surrender of such arguments; Applicants' merely present representative arguments for the Examiner's consideration such that prosecution may be expedited.

V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: August 1, 2006

By: 

Name: Anthony J. Orler

Reg. No.: 41,232

AJO/

G&C 200.1-US-U1